

ESTTA Tracking number: **ESTTA322786**

Filing date: **12/17/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91187847
Party	Defendant Christine Machleit, and Matilda Beeler
Correspondence Address	MACHLEIT, CHRISTINE 19931 Heartwood Drive Perris, CA 92570 UNITED STATES timeforacure@aol.com
Submission	Other Motions/Papers
Filer's Name	Christine Machleit
Filer's e-mail	christine@timeforacure.org
Signature	/Christine Machleit/
Date	12/17/2009
Attachments	TTAB6.pdf (1 page)(661661 bytes) TTAB7.pdf (1 page)(133851 bytes) TTAB8.pdf (1 page)(97794 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CHRISTINE MACHLEIT and
MATILDA BEELER

Applicants,

Opposition No. 91187847

v.

THE SUSAN G. KOMEN BREAST
CANCER FOUNDATION, INC.

OPPOSER.

APPLICANT'S ANSWERS TO FIRST SET OF INTERROGATORIES

Christine Machleit and Matilda Beeler, Applicants in the above referenced matter hereby provide responses to the opposers counsel, Dace A. Caldwell, Gibson, Dunn & Crutcher LLP, 1050 Connecticut Avenue, N.W., Washington, D.C. 20036-5306.

INTERROGATORY NO. 1, ANSWER:

Applicant, Christine Machleit was diagnosed with breast cancer in January 1996. Upon surviving breast cancer, applicant Matilda Beeler stated that Christine should be given a medal, that was the original idea for Time For A Cure Awareness Products, a private company owned and operated by applicant Christine Machleit doing business as Superior Industries. The ultimate decision was when watches were designed in a watch face, with the wording "Time For A Cure" by Image Watches, Inc. on April 13, 1999.

Applicants also obtain an internet domain name: timeforacure.com on October 11, 1999 which Network Solutions served with a website known as: Time For A Cure.

A fictitious business name statement for Time For A Cure was filed and published on

December 9, 1999 and recorded at the Recorder's Office, Los Angeles County, California.

INTERROGATORY NO. 2 ANSWER:

The original watches were sold on a contingency basis in hospitals and some limited retail stores. They were also sold online at the Time For A Cure website.

INTERROGATORY NO. 3 ANSWER:

Time For A Cure is a California Corporation, incorporated March 19, 2007. Time For A Cure was given non profit 501(3)c status by the Internal Revenue Service on August 7, 2007. Time For A Cure is and will always actively promote breast cancer awareness through educational outreaches.

INTERROGATORY NO. 4 ANSWER:

Upon original trademark search no evidence was presented to applicants of any use by opposers other than the abandonment of wording "time for a cure" Application Serial Number. 76075169 word mark, abandoned June 27, 2004.

Applicant was aware that the wording mark "time for a cure" no design associated was owned by the registered owner, Amyotrophic Lateral Sclerosis Association (ALS), registration number 2928516. Permission from the ALS was granted to applicants to use our design with wording on May 27, 2008.

Applicants had no other knowledge of opposers use of the wording "time for a cure" and certainly no knowledge of the use of such wording in choosing the wording time for a cure. The original trademark search did not show any wording of a trademark on that specific wording than that of the ALS.

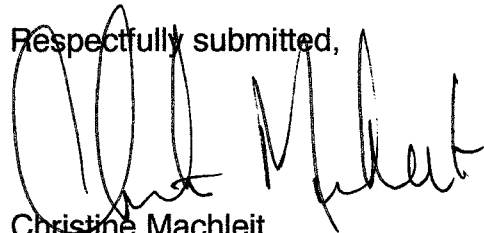
INTERROGATORY NO. 5 ANSWER:

Applicants receive no revenue for its use of mark as it is our Corporation name, not a product.

Applicants further state that the wording is used only in connection with our logo and under the agreement with the ALS that is in fact the only permissible use. To applicants knowledge there has been no confusion from the use of the wording "time for a cure" and that the opposers design and wording have no similarities other than the color pink which is not a trademark of the opposer. It is unlikely that the applicants pending trademark would cause any harm to the opposer nor has opposer provided any proof that it has or would.

Opposition No. 91187847

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Christine Machleit', written over the typed name.

Christine Machleit
19931 Heartwood Drive
Perris, California 92570
Telephone: 626/825-9303
or 951/789-2756